

**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

1. On 5 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Children in the Care of Lambeth Council investigation to make an application to the Solicitor to the Inquiry by 5 February 2016.
2. On 2 February 2016, an application was made by the Commissioner of Police of the Metropolis for core participant status in the Children in the Care of Lambeth Council investigation and for Mark Spanton, Directorate of Legal Services, Metropolitan Police Service, to be their recognised legal representative. This notice sets out my determination of the application.
3. Applications for core participant status are considered under Rule 5 of The Inquiry Rules 2006 which provides:
  - (1) *The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.*
  - (2) *In deciding whether to designate a person as a core participant, the chairman must in particular consider whether –*
    - a. *The person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;*
    - b. *The person has a significant interest in an important aspect of the matters to which the inquiry relates; or*
    - c. *The person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.*
  - (3) *A person ceases to be a core participant on –*
    - a. *the date specified by the chairman in writing; or*
    - b. *the end of the inquiry.*

4. In determining the application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and other relevant matters can also be taken into account.
5. Having regard to the provisions of Rule 5(2), for the following reasons I am satisfied that the Commissioner of Police of the Metropolis should be designated a core participant in this investigation. The London Borough of Lambeth falls within the policing area of the Metropolitan Police Service (“MPS”) and thereby the area for which the Commissioner of Police of the Metropolis is responsible. As set out within the published scope of the Children in the Care of Lambeth Council investigation, the Inquiry will investigate the nature and extent of, and institutional responses to, the sexual abuse of children in the care of Lambeth Council, including those cared for in children’s homes, by foster carers and/or by adoptive parents.
6. The MPS has, over the years, conducted a number of investigations into allegations of abuse of children in care homes managed by Lambeth Council or situated in Lambeth. As part of its investigation the Inquiry will examine the appropriateness of the response of law enforcement agencies, including the MPS, to reports of child sexual abuse involving children cared for by Lambeth Council, and/or reports of child sexual abuse by individuals, who were employed by or contracted by Lambeth Council. The actions and/or omissions of the MPS (through its former and current MPS officers and staff) have played a direct and significant role in relation to matters under investigation. I am thus satisfied having regard to Rule 5(2)(a) that it is appropriate to designate the Commissioner as a core participant.
7. In addition, this investigation will examine allegations that individuals with information about the sexual abuse of children in the care of Lambeth Council were the subject of intimidation and potentially lethal violence; and allegations that there was inappropriate interference with law enforcement investigations into the sexual abuse of children in the care of Lambeth Council. As the policing area responsible for receiving and investigating allegations of sexual abuse of children in the care of Lambeth Council, I am further satisfied that the Commissioner of Police of the Metropolis has a significant interest in an important aspect of the matters under investigation. For the purposes of Rule 5(2)(c) I am also satisfied that the MPS may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.

8. Applications for designation as the recognised legal representative of a core participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide as follows:

*6(1) Where -*

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*

*has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.*

*7(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that -*

- (a) their interests in the outcome of the inquiry are similar;*
- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

*(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.*

*(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.*

*(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.*

9. Accordingly, as I am satisfied that the Commissioner of Police of the Metropolis has appointed Mark Spanton as the qualified lawyer for the purposes of this investigation. I therefore designate Mark Spanton as the Commissioner of Police of the Metropolis' recognised legal representative in accordance with Rule 6(1) as I am required by that rule to do.

10. Directions will be given for receipt of applications for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation at the forthcoming preliminary hearing. Such applications by core participants will be

determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.

**Hon. Dame Lowell Goddard DNZM**

**29 February 2016**

**Chair, Independent Inquiry into Child Sexual Abuse**